

REMARKS

Claims 1-8 are pending in the application. Claims 3, 5 and 6 have been canceled without prejudice. Claims 1 and 8 have been amended. New claim 9 has been introduced. Support for the amendments can be found, for example, in original claims 3, 5, and 6, Figure 2 and related portions of the specification. Support for new claim 9 can be found, for example, in original claim 1. No new matter has been added.

Specification

In the Action, the Examiner objects to the abstract (section 2 of the Action) and portions of the specification (sections 3 and 4 of the Action). The Applicant has amended the objected abstract and portions of the specification and believes that the objections of the Examiner have been overcome.

Drawings

In the Action, the Examiner objects to Figure 3 because of the incorrect spelling of the word "server." A replacement sheet containing Figure 3 is enclosed herewith. Therefore, it is believed that the objection of the Examiner has been overcome.

Objections

In the Action, the Examiner objects to claim 3. Claim 3 has been canceled, thus rendering the objection of the Examiner moot.

Claim 1

In the Action, the Examiner rejects claim 1 under 35 USC 102(e) as being anticipated by U.S. Pat. No. 6,359,880 to Curry. The Applicant respectfully disagrees.

Claim 1 as amended discloses "*a POS system*" which is believed not be disclosed in Curry, as also indirectly acknowledged by the Examiner, in view of the fact that the Examiner is using U.S. Pat. No. 6,615,183 to Kolls to infer prior disclosure of a POS

system. Claim 1 as amended also discloses “*a host computer connected with said POS system and POS systems of other stores through respective dedicated lines, the host computer being able to control information transmitted from said stores through said dedicated lines.*” Although the Examiner believes that element 69 of Figure 2 of Curry discloses a host computer, the Examiner has not shown to the Applicant where the remaining portion of the above feature is shown in Curry. Therefore, Applicant submits that claim 1 is novel over Curry.

Further, claim 1 as amended also recites “*an internet telephone server*” and “*a second server for receiving information transmitted from said internet telephone server.*” According to the Examiner, element 51 in Figure 1 of Curry discloses an internet telephone server and element 27 in Figure 1 of Curry discloses a second server. However, element 51 discloses a domain name server DNS. Further, it is not clear to the Applicant where it is taught, in Curry, that element 27 receives information from element 51. Therefore, it is submitted that claim 1 is novel over Curry also for the reasons presented in this paragraph.

Claim 1 as amended also incorporates features taken from claim 3. In the Action, the Examiner rejects claim 3 under 35 USC 103(a) as unpatentable over Curry and Kolls. The Applicant respectfully disagrees.

Claim 1 as amended recites “*a first server to be connected with a POS system . . . and receive information . . . from [a] portable information apparatus via a radio system.*” To the contrary, column 9, lines 23-25 of Kolls discloses infrared communication with a POS system. It follows that Kolls, not only does not recite a feature present in claim 1, but also teaches away from the subject matter of claim 1, because it prompts the person skilled in the art to use an infrared system instead of a radio system. Therefore, the person skilled in the art would not be motivated to combine Kolls with Curry.

Further, claim 1 as amended recites “*a host computer connected with said POS system and POS systems of other stores through respective dedicated lines.*” Such feature was present, in

part, in claim 3 as filed. In the Action, the Examiner rejects claim 3 as filed under a combination of Curry and Kolls also based on column 13, lines 26-28 (a single universal server can monitor and control numerous different networks) and column 46, lines 4-6 of Kolls (a corporate headquarter can monitor a plurality of stores or locations). However, there is no recitation, in those passages, of POS systems connected through dedicated lines. Therefore, the above feature is not disclosed in the Curry-Kolls combination.

In view of the above, the Applicant submits that claim 1 is patentable over Curry and Kolls.

Claims 2, 4 and 7

Claims 2, 4 and 7 depend on claim 1. Therefore, they are patentable over Curry and Kolls by virtue of such dependency. With reference to claim 7, where the *"POS system [is] communicating with [the] portable . . . apparatus"* and *"[the] first server is deleted,"* it should be noted that the above arguments with respect to claim 1 are independent of the present/absence of a first server. Therefore, those arguments are reiterated with respect to claim 7.

Claim 8

In the Action, the Examiner rejects claim 8 under 35 USC 102(e) because anticipated by Curry. The Applicant respectfully disagrees.

Claim 8 recites *"receiving information transmitted from [a] portable information apparatus via a radio system at [a] POS system."* In the Action, the Examiner mentions a POS system only with reference to the Kolls reference. Therefore, it is submitted that Curry does not disclose the above features.

Further, the same arguments used by Applicant with reference to elements 27 and 51 of Curry apply, mutatis mutandis, to claim 8, which is submitted to be novel over Curry also in view of those arguments.

Claim 9

Applicant has added new claim 9 which is supported, inter alia, by claim 1 as filed. Applicant submits that claim 9 is novel over Curry by virtue of its dependency on claim 8.

* * *

Applicants submit that all claims of the application as amended herein are in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on

February 1, 2005
(Date of Deposit)

Susan Papp
(Name of Person Depositing)

Susan Papp
Signature
2/1/05
Date

Respectfully submitted,

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Enclosures:

- Replacement sheet (Figure 3)
- Marked-up copy of Figure 3
- Petition for one-month extension
- Check for petition fee in the sum of \$ 60.00
- Postcard

AMENDMENTS TO THE DRAWINGS

Please replace Figure 3 of drawings with the enclose replacement sheet 1/1 containing an amended Figure 3, where the term "serber" has been replaced with "server." Also enclosed is a marked-up copy of Figure 3 as currently pending, showing the amendments made.

MARKED - UP COPY OF FIG. 3

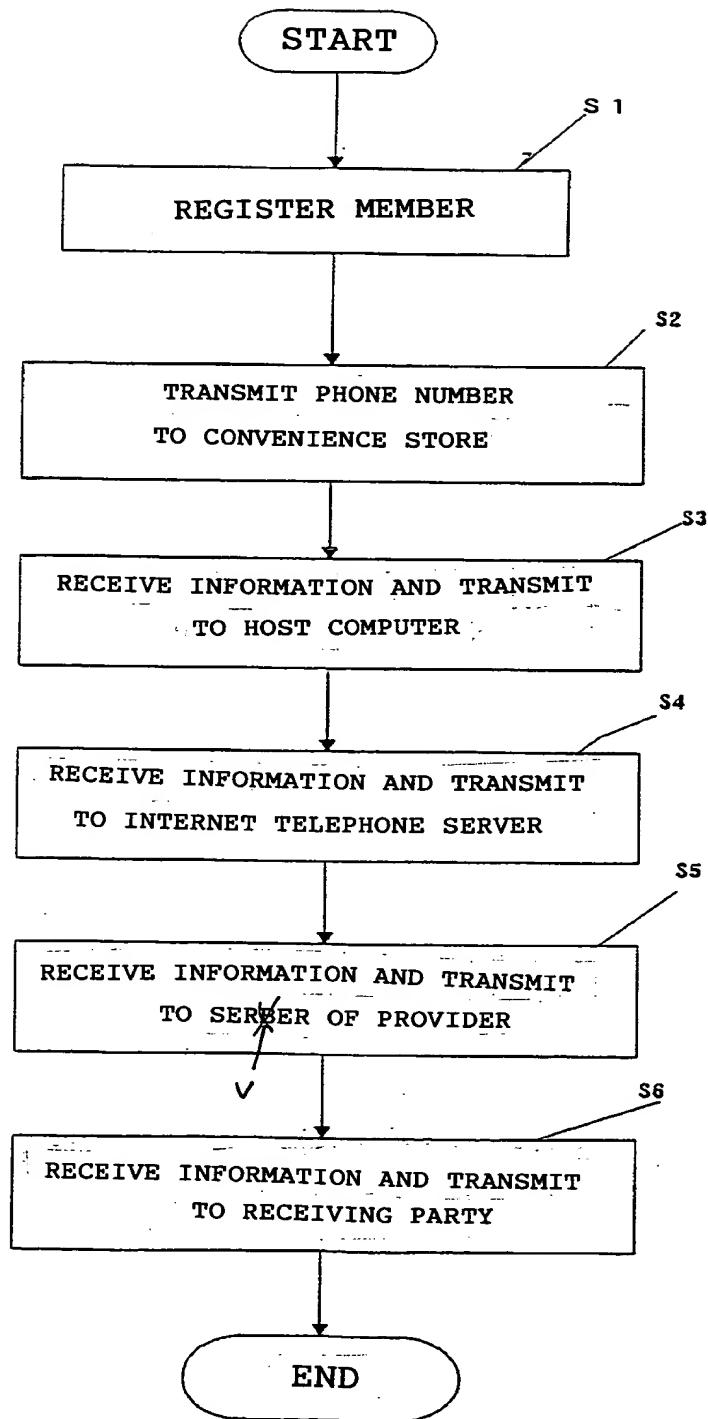


FIG. 3